



भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित
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सं. 37] नई दिल्ली, सितम्बर 15—सितम्बर 21, 2024, शनिवार/भाद्र 24—भाद्र 30, 1946
No. 37] NEW DELHI, SEPTEMBER 15—SEPTEMBER 21, 2024, SATURDAY/BHADRA 24—BHADRA 30, 1946

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 30 अगस्त, 2024

का.आ. 1776.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उप-धारा (1) के खण्ड (घ) करते हुए द्वारा प्रदत्त शक्तियों का प्रयोग, केन्द्रीय सरकार, एतद्वारा, श्री विवेक जोशी के स्थान पर श्री नागराजू मद्दिराला (सचिव, भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग) को तत्काल प्रभाव से और अगले आदेशों तक भारतीय रिजर्व बैंक के केंद्रीय बोर्ड में निदेशक के पद पर नामित करती है

[ई फा. सं. 6/2(i)/2022-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

MINISTRY OF FINANCE**(Department of Financial Services)**

New Delhi, the 30th August, 2024

S.O. 1776.—In exercise of the powers conferred by clause (d) of sub-section (1) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates Shri Nagaraju Maddirala (Secretary, Government of India, Ministry of Finance, Department of Financial Services) as Director on the Central Board of Reserve Bank of India, with immediate effect and until further orders, *vice* Shri Vivek Joshi

[eF. No. 6/2(i)/2022-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

नई दिल्ली, 30 अगस्त, 2024

का.आ. 1777.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा द्वारा प्रदत्त (.ड) के खण्ड 19 शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री विवेक जोशी के स्थान पर श्री नागराजू मद्दिराला (सचिव, भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग) को तत्काल प्रभाव से और अगले आदेशों तक भारतीय स्टेट बैंक के केंद्रीय निदेशक मंडल में निदेशक के पद पर नामित करती है।

[ई.फा. सं. 6/2(ii)/2022-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

New Delhi, the 30th August, 2024

S.O. 1777.—In exercise of the powers conferred by clause (e) of section 19 of the State Bank of India Act, 1955 (23 of 1955), the Central Government hereby nominates Shri Nagaraju Maddirala (Secretary, Government of India, Ministry of Finance, Department of Financial Services) as Director on the Central Board of Directors of State Bank of India, with immediate effect and until further orders, *vice* Shri Vivek Joshi

[eF. No. 6/2(ii)/2022-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

(व्यय विभाग)

नई दिल्ली, 17 सितम्बर, 2024

का.आ. 1778.—केन्द्र सरकार, एतद्वारा राजभाषा (संघ के शासकीय प्रयोजन के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (2) एवं (4) के अनुसरण में, भारतीय लेखापरीक्षा और लेखा विभाग के अधीन महालेखाकार (लेखापरीक्षा) का कार्यालय, तेलंगाना, हैदराबाद, जिसमें अस्सी प्रतिशत कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ए-12034/01/2024-ईजी]

रामेश्वर कुमार, अवर सचिव

(Department of Expenditure)

New Delhi, the 17th September, 2024

S.O. 1778.—In pursuance of sub-rule (2) and (4) of rule 10 of the Official Languages (Use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the Office of the Accountant General (Audit), Telangana, Hyderabad under the Indian Audit and Accounts Department wherein eighty per cent of the staff have acquired working knowledge of Hindi.

[F. No. A-12034/01/2024-EG]

RAMESHWAR KUMAR, Under Secy.

विदेश मंत्रालय
(सीपीवी प्रभाग)

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1779.—राजनयिक और कंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, सरकार, भारत के प्रधान कंसलावास, सेंट पीटर्सबर्ग, मैं श्री अनिल सिंह, आशुलिपिक, को सितम्बर 11, 2024 से सहायक कंसुलर अधिकारी के रूप में कंसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा. सं. टी-4330/01/2024(30)]

एस. आर. एच. फहमी, निदेशक (सीपीवी-I)

MINISTRY OF EXTERNAL AFFAIRS
(CPV Division)

New Delhi, the 11th September, 2024

S.O. 1779.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Shri Anil Singh, Stenographer as Assistant Consular Officer in the Consulate General of India, Saint Petersburg, to perform the consular services as Assistant Consular Officer with effect from September 11, 2024.

[F. No.T-4330/01/2024(30)]

S. R. H FAHMI, Director (CPV-I)

श्रम और रोजगार मंत्रालय

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1780.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुदर्शन फैसिलिटीज प्राइवेट लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (आई डी नम्बर 03/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-20013/01/2024-आई. आर. (सी.एम-I)]

मणिकंदन.एन, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 11th September, 2024

S.O. 1780.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID No. 03/2019) of the Central Government Industrial Tribunal-cum-Labour Court N0.II, New Delhi as shown in the Annexure, in the industrial dispute between the Management of Sudershan Facilities Pvt.Ltd. and their workmen, received by the Central Government on 05/09/2024.

[No. L-20013/01/2024 – IR (CM-I)]

MANIKANDAN. N , Dy. Director

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL-TRIBUNAL CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 03/2019**Sh. Amar Kumar, S/o Sh. Khubari Das,**

R/o B- 177, Gotampuri, Phase-II,

New Delhi- 110076,

...

Claimant/Workman

Versus

1. **M/s Sudharshan Facility Pvt. Ltd.,**
18, Local Shopping Centre, 2nd Floor,
Mandangir, Delhi-110062
2. **The Director, All India Institute of Medical Science (AIIMS),**
Ansari Nagar, New Delhi- 110023Managements/Respondents

AWARD

The appropriate government through **Rajendra Joshi, Deputy Director** has sent the reference refer dated 17.12.2018 to this tribunal for adjudication with the following words.

“Whether the termination of Sh. Amar Kumar Insa working as Safai Karamchhari by the management of M/s Sudershan Facilities Pvt. Ltd. (Contractor) who is providing the sanitation/ housekeeping services to AIIMS (Principal Employer) w.e.f 27.07.2017 is just, fair and legal? If not, what relief the workman concerned is entitled to?”

Claimant claimed to have working as Sanitation Assistant in A.I.I.M.S for the last more than 04 years and attached to **M/s Sudershan Facilities Pvt. Ltd.** The company rendered/provides services of housekeeping and sanitation etc. to the principle employer **All India Institute of Medical Sciences, a government of India hospital at New Delhi.** It is his case that since May, 2017 he was being harassed by the management of this company and it was not allowing him to work regularly without any reasons. He was mentally tortured by the then manager of the company on 05.08.2017 and refused to give the duty to him. No termination letter or dismissal letter was ever issued by the company. Vide letter dated 12.08.2017 a legal notice was served to the company through his counsel, asking the reason for his removal from the employment. Reply was received to the applicant stating that there was complaint against the claimant. He has raised the industrial dispute and filed the complaint before the Labour Commissioner, Govt. of NCTD. However, it has referred the dispute to the **Deputy Labour Commissioner (Central) Jeevan Deep Building, Parliament Street.** Conciliation failed. Hence, the present dispute.

Respondent-1 M/s Sudershan Facilities Pvt. Ltd. has filed the reply. It has taken several preliminary objections, he had denied the averment made by the claimant. However it is admitted by the respondent that the claimant has been working in some other organization. He submits that applicant always insisted to join duty at AIIMS that too night shift, while he was offered duty at other place. He submits, claim be dismissed. Rejoinder has been filed by workman. Management-2 has not contested the case, however counsel of the management-1 i.e. AIIMS has appeared at the time of final argument.

From the pleading of the parties following issues have been framed vide order dated 09.07.2019.

1. Whether the proceeding is maintainable.
2. Whether the service of the workman was terminated illegally, if so by whom.
3. Whether the workman is entitled to the relief of reinstatement with back wages, and other consequential benefits.
4. To what relief the parties are entitled to.\

In support of his claim, workman has tendered the affidavit in evidence. He had reiterated the facts mentioned in his claim regarding the fact that he was in the employment of the principle employer AIIMS for the last four years from the date of his illegal termination i.e. 05.08.2017. He was on the post of Sanitation Assistant looking housekeeping reporting to the manager of the respondent company. He finally was refused duty by the management company. AIIMS New Delhi is equally responsible for his illegal termination. He had relied upon two documents i.e. Annexure-1 i.e. legal notice dated 12.06.2017 addressed to Vasundhra Ji, **Director M/s Sudharshan Facilities Pvt. Ltd. New Delhi.** The second document which the workman has relied is the reply filed by the **Sudharshan Facilities Pvt. Ltd.**

Section 2 (s) of the Industrial Disputes Act define the workman, it reads as under:

“Workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of that dispute, or whose dismissal, discharge, or retrenchment has led to that dispute, but does not include any such person-

- (i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957); or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding [ten thousand rupees] per mensem or exercises, either by the nature of the duties, attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]

Section 2 (j, k& oo) of the I.D Act define the industry and industrial disputes respectively. It reads as under:

- [(j)] “industry” means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen;
- (k) “industrial dispute” means any dispute or difference between employers and employees or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;
- (oo) “retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include-
 - (a) Voluntary retirement of the workman; or
 - (b) Retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- [(bb)] termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (c) termination of the service of a workman on the ground of continued ill-health;

Workman/claimant is required to bring its case within the four corner of the above said definition of workman industry and industrial dispute.

Now come to the case in hand. Claimant has claimed to have been working in AIIMS through respondent-1, the contractor **M/s Sudharshan Facility Pvt. Ltd.** as Sanitation Assistant. He had led the evidence also to the effect that he has been working with respondent-1 as Sanitation Assistant. In the evidence he did not seek any relief against the respondent-2. His case is that his services have been terminated by the respondent-1 from 05.08.2017 as he was not given any duty. The above testimony of the workman remains unchallenged, unrebutted and uncontroverted.

He had proved from the above said testimony that he is a workman and he worked with **M/s Sudharshan Facility Pvt. Ltd.** who used to offer services to the government institution, therefore, the respondent-2 is an industry. His further contention is that his services have been terminated without any rhyme and reason, therefore, industrial disputes have arisen.

Facts culled from the evidence, which the workman has led is that his services have been terminated. He has relied upon the document Ex. WW1/2 that is reply filed by **M/s Sudharshan Facility Pvt. Ltd.** in respect of his notice whereby he has admitted that the workman was his employee. Respondent-2 has not led any evidence contrary to the fact deposed by the workman nor he had cross-examined the workman contradicting him or impeach his creditability.

From the above discussion, workman has proved that he had worked as workman with respondent-2 and his services have been terminated illegally as no notice pay for retrenchment compensation as either been offered or given. Not only he had proved that his petition is maintainable but also he had proved that his services have been terminated illegally, therefore, issued no.-1&2 has been answered accordingly.

ISSUE No. 3 & 4: What relief, the workman is entitled and be given.

Workman claims that he be given reinstatement of service with full back wages with respondent-2 since the date of his termination, he is jobless. He has two kids depending upon him and he has been undergoing with financial crisis. The testimony of this witness is unchallenged as the management-1 had not cross-examined him that he has been doing job, therefore, there is no doubt left in the mind of the court/tribunal that the workman has got any job.

Admittedly the workman had worked for four year with respondent-1. Normally when the workman services were terminated, naturally reinstatement with full back wages would follow. However, in recent past there has been a shift in the legal position and long line of cases decided by the constitutional court that relief of reinstatement with full back wages is not automatic and may be fully inappropriate where the workman worked only for a year or two. However, herein present case respondent-1 the employer has not contested the case with strength. He had only made lip services by filing the written statement.

In these circumstances, when the workman age is only 26 year and he had served four year with the respondent-1 having two kids for look after, relief of reinstatement with full back wages is appropriately relief. Hence, the workman is entitled for reinstatement with full back wages from the respondent-1. As no relief has been sought from the respondent-2 therefore, award cannot be passed against the respondent-2. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room

Date 14th, June, 2024

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 69/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1781.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 69/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**.

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 69/2020

Ref. No. D-885/AB/2020/47/IRDDN dated 03.09.2020/09.09.2020

BETWEEN

1. Shri Liladhar, S/o Shri Lochan, Village-Sarau, Post-Batlaiya, PS-Bhamaura, Tehsil-Aonla, Distt.-Bareilly(UP).

2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajanpur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).

2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-885/AB/2020/47/IRDDN dated 03.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether the termination of the service of Shri Liladhar S/o Sri Lochan, who was engaged in Roja Depot of FCI, Shahajanpur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 04.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?"

Accordingly, an industrial dispute No. 69/2020 has been registered on 29.10.2020.

On 21.12.2020 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 21.12.2022 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit, which is evident from the orders passed (relevant) in the present case quoted as under:

"11.05.2023

Matter taken up in revised list.

Mo. Ovais, holding brief of Sri Dhirener Singh for FCI.

WS filed, taken on record. Respondent is directed to send copy of WS to claimant & file proof thereof by next date of listing. List on 04.08.2023 for rejoinder.

(P.O.)

04.08.2023.

Matter taken up in revised list. Sri A.P. Singh, holding brief of Sri Dhirendra Singh for FCI. None for claimant.

As prayed matter is adjourned to comply order dt. 11.05.2023, rejoinder if any filed by next date. List on 31.10.2023

(P.O.)

31.10.2023

Present Sri Dhirendra Singh for respondent. None for claimant.

Sri Dhirendra Singh filed proof (postal receipt) in respect of sending copy of written statement to the workman, taken on record.

Last opportunity is granted for rejoinder.

List on 29.01.2024.

(P.O.)

09.04.2024

Taken up in revised list.

None for claimant. Sri Dhirender Singh for OP.

Opportunity to file rejoinder is closed.

List on 04.06.2024 for ex-parte hearing. Notice to claimant.

(P.O.)”

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief.”

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

“The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led.”

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

“The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed.”

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

06th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1782.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 71/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1782.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 71/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**.

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 71/2020

Ref. No. D-870/AB/2020/59/IRDDN dated 03.09.2020/09.09.2020

BETWEEN

1. Shri Santram, S/o Shri Sohan Lal, Village & Post-Padri, PS & Tehsil-Puvayan, Distt.-Shahjahanpur(UP).
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajampur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-870/AB/2020/59/IRDDN dated 03.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“Whether the termination of the service of Shri Santram S/o Shri Sohan Lal, who was engaged in Roja Depot of FCI, Shahajampur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 09.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?”

Accordingly, an industrial dispute No. 71/2020 has been registered on 29.10.2020.

On 21.12.2020 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 21.12.2022 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit, which is evident from the orders passed (relevant) in the present case quoted as under:

“11.05.2023

Matter taken up in revised list.

Mo. Ovais, holding brief of Sri Dhirener Singh for FCI.

WS filed, taken on record. Respondent is directed to send copy of WS to claimant & file proof thereof by next date of listing. List on 04.08.2023 for rejoinder.

(P.O.)

04.08.2023.

Matter taken up in revised list. Sri A.P. Singh, holding brief of Sri Dhirendra Singh for FCI. None for claimant.

As prayed matter is adjourned to comply order dt. 11.05.2023, rejoinder if any filed by next date. List on 31.10.2023

(P.O.)

31.10.2023

Present Sri Dhirendra Singh for respondent. None for claimant.

Sri Dhirendra Singh filed proof (postal receipt) in respect of sending copy of written statement to the workman, taken on record.

Last opportunity is granted for rejoinder.

List on 29.01.2024.

(P.O.)

09.04.2024

Taken up in revised list.

None for claimant. Sri Dhirender Singh for OP.

Opportunity to file rejoinder is closed.

List on 04.06.2024 for ex-parte hearing. Notice to claimant.

(P.O.)”

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief.”

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

“The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led.”

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

“The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed.”

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

06th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1783.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 73/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1783.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 73/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**.

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 73/2020

Ref. No. D-835/AB/2020/27/IRDDN dated 03.09.2020/09.09.2020

BETWEEN

5. Shri Prem Shankar, S/o Shri Rajpal, Mohalla-Subhash Nagar, Post-Shahar Khas, PS-Sadar Bazar, Tehsil-Sadar, Distt.-Shahjahanpur(UP).
- Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajanpur (UP).

AND

- The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).

2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-835/AB/2020/27/IRDDN dated 03.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether the termination of the service of Shri Prem Shankar S/o Shri Rajpal, who was engaged in Roja Depot of FCI, Shahajanpur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 08.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?"

Accordingly, an industrial dispute No. 72/2020 has been registered on 29.10.2020.

On 21.02.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 21.12.2022 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit, which is evident from the orders passed (relevant) in the present case quoted as under:

"11.05.2023

Matter taken up in revised list.

Mo. Ovais, holding brief of Sri Dhirener Singh for FCI.

WS filed, taken on record. Respondent is directed to send copy of WS to claimant & file proof thereof by next date of listing. List on 04.08.2023 for rejoinder.

(P.O.)

04.08.2023.

Matter taken up in revised list. Sri A.P. Singh, holding brief of Sri Dharendra Singh for FCI. None for claimant.

As prayed matter is adjourned to comply order dt. 11.05.2023, rejoinder if any filed by next date. List on 31.10.2023

(P.O.)

31.10.2023

Present Sri Dharendra Singh for respondent. None for claimant.

Sri Dharendra Singh filed proof (postal receipt) in respect of sending copy of written statement to the workman, taken on record.

Last opportunity is granted for rejoinder.

List on 29.01.2024.

(P.O.)

09.04.2024

Taken up in revised list.

None for claimant. Sri Dhinder Singh for OP. Opportunity to file rejoinder is closed.

List on 04.06.2024 for ex-parte hearing. Notice to claimant.

(P.O.)"

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

06th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1784.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 41/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1784.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID. No. 41/2020) of the Central Government Industrial Tribunal-cum-

Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**.

[No. L-22013/01/2024–IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 41/2020

Ref. No. D-812/AB/2020/04/IRDDN dated 03.09.2020/09.09.2020

BETWEEN

1. Shri Guddu, S/o Shri Baburam, Village-Navadiya Methi, Post-Bhagpura, Tehsil-Nawabganj, Distt.- Bareilly(UP)..
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajanpur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-812/AB/2020/04/IRDDN dated 03.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“Whether the termination of the service of Shri Guddu S/o Shri Baburam, who was engaged in Roja Depot of FCI, Shahajanpur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 07.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?”

Accordingly, an industrial dispute No. 41/2020 has been registered on 22.10.2020.

On 21.02.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 03.07.2023 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit, which is evident from the orders passed (relevant) in the present case quoted as under:

“20.07.2023

Matter taken up in revised list.

Sri Dhirener Singh for FCI.

None for claimant.

Written statemnent filed, taken on record.

OP is directed to send copy of WS to claimant & file proof thereof by next date of listing.

List on 10.10.2023 for rejoinder.

(P.O.)

10.10.2023.

Matter taken up in revised list.

Parties absent.

Further time is granted for rejoinder.

List on 08.01.2024.

(P.O.)

04.04.2024

Taken up in revised list.

None for claimant, opportunity to file rejoinder is closed.

Sri Dhirender Singh for OP.

List on 04.06.2024 for ex-parte hearing. Notice to claimant.

(P.O.)”

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not filed any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief.”

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

“The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led.”

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

“The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed.”

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

06th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1785.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 48/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1785.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 48/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**.

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 48/2020

Ref. No. D-866/AB/2020/55/IRDDN dated 03.09.2020/09.09.2020

BETWEEN

1. Shri Badam Singh, S/o Shri Pati Ram, Village-Akhauri, PO-Amrita Khas, Tehsil - Bisalpur, Distt.-Pilibhit (UP).
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajampur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-866/AB/2020/55/IRDDN dated 03.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether the termination of the service of Shri Badam Singh S/o Pati Ram, who was engaged in Roja Depot of FCI, Shahajampur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 03.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?"

Accordingly, an industrial dispute No. 48/2020 has been registered on 22.10.2020.

On 02.12.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 03.07.2023 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit.

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not filed any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194** as under:

"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow

10th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1786.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 76/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1786.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 76/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**.

[No. L-22013/01/2024–IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 76/2020

Ref. No. D-837/AB/2020/29/IRDDN dated 02.09.2020/09.09.2020

BETWEEN

1. Shri Riyasat Ali, S/o Sri Riyayat Ali, Village-Khanpur Deha, Post-Didura, PS-Singhauli, Tehsil-Puvayan, Distt. Shahjahanpur (UP)
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajampur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-837/AB/2020/29/IRDDN dated 02.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“Whether the termination of the service of Shri Riyasat Ali S/o Shri Riyayat Ali, who was engaged in Roja Depot of FCI, Shahajampur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 08.07.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?”

Accordingly, an industrial dispute No. 76/2020 has been registered on 29.10.2020.

On 11.12.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 21.12.2022 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit.

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must

fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow

10th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1787.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 47/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1787.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID. No. 47/2020) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 05/09/2024

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 47/2020

Ref. No. D-865/AB/2020/54/IRDDN dated 03.09.2020/09.09.2020

BETWEEN

1. Shri Amit Kumar, S/o Shri Gaya Prasad, Village-Jangikhera, PO-Sonik, PS-Ajgain, Tehsil - Bighapur, Distt.- Unnao (UP).
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajanpur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-865/AB/2020/54/IRDDN dated 03.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“Whether the termination of the service of Shri Amit Kumar S/o Shri Gaya Prasad, who was engaged in Roja Depot of FCI, Shahajanpur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 03.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?”

Accordingly, an industrial dispute No. 47/2020 has been registered on 22.10.2020.

On 02.12.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 03.07.2023 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit.

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief.”

In the case of *M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164* Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahabad High Court in the case of *District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519*; wherein it has been held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow

10th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1788.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 72/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1788.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 72/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**.

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 72/2020

Ref. No. D-834/AB/2020/26/IRDDN dated 02.09.2020/09.09.2020

BETWEEN

1. Shri Wazid Ali, S/o Shri Rafik Ahmad, Village- Mahau Durg, PO-Bhattapura Rasoolpur, PS-Singhauli, Tehsil-Puivayan, Distt.-Shahjahanpur (UP).
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajanpur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-834/AB/2020/26/IRDDN dated 02.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether the termination of the service of Shri Wazid Ali S/o Shri Rafik Ahmad, who was engaged in Roja Depot of FCI, Shahajanpur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 04.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?"

Accordingly, an industrial dispute No. 72/2020 has been registered on 29.10.2020.

On 11.02.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 21.12.2022 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit, which is evident from the orders passed (relevant) in the present case quoted as under:

"11.05.2023

Matter taken up in revised list.

Mo. Ovais, holding brief of Sri Dhirener Singh for FCI.

WS filed, taken on record. Respondent is directed to send copy of WS to claimant & file proof thereof by next date of listing. List on 04.08.2023 for rejoinder.

(P.O.)

04.08.2023.

Matter taken up in revised list. Sri A.P. Singh, holding brief of Sri Dhirendra Singh for FCI. None for claimant.

As prayed matter is adjourned to comply order dt. 11.05.2023, rejoinder if any filed by next date. List on 31.10.2023

(P.O.)

31.10.2023

Present Sri Dhirendra Singh for respondent. None for claimant.

Sri Dhirendra Singh filed proof (postal receipt) in respect of sending copy of written statement to the workman, taken on record.

Last opportunity is granted for rejoinder.

List on 29.01.2024.

(P.O.)

09.04.2024

Taken up in revised list.

None for claimant. Sri Dhirender Singh for OP. Opportunity to file rejoinder is closed.

List on 04.06.2024 for ex-parte hearing. Notice to claimant.

(P.O.)”

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not filed any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief.”

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

“The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led.”

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

“The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed.”

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow

06th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1789.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 77/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1789.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 77/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**.

[No. L-22013/01/2024–IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 77/2020

Ref. No. D-857/AB/2020/46/IRDDN dated 03.09.2020/09.09.2020

BETWEEN

1. Shri Mohammad Nawaz, S/o Shri Riyasat Ali, Mohalla-38 Kot, PS-Baradari, Tehsil-Sadar, Distt.-Bareilly(UP).
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajanpur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-857/AB/2020/46/IRDDN dated 03.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether the termination of the service of Shri Mohammad Nawaz S/o Shri Riyasat Ali, who was engaged in Roja Depot of FCI, Shahajanpur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 08.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?"

Accordingly, an industrial dispute No. 77/2020 has been registered on 29.10.2020.

On 21.12.2020 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 21.12.2022 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit.

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is

imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow

10th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1790.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 46/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1790.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 46/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**.

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW PRESENT

JUSTICE ANIL KUMAR
PRESIDING OFFICER

I.D. No. 46/2020

Ref. No. D-864/AB/2020/53/IRDDN dated 03.09.2020/09.09.2020

BETWEEN

1. Shri Ramdas, S/o Shri Ganesh, Village-Raipur, PO-Gulauli, PS & Tehsil - Mohammadi, Distt.-Lakhimpur-Kheri (UP).
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajanpur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-864/AB/2020/53/IRDDN dated 03.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“Whether the termination of the service of Shri Ramdas S/o Shri Ganesh, who was engaged in Roja Depot of FCI, Shahajanpur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 08.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?”

Accordingly, an industrial dispute No. 46/2020 has been registered on 22.10.2020.

On 21.12.2020 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 03.07.2023 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit.

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief.”

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

“The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led.”

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

“The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed.”

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow

10th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1791.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 45/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1791.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 45/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**.

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 45/2020

Ref. No. D-863/AB/2020/52/IRDDN dated 02.09.2020/09.09.2020

BETWEEN

1. Shri Shiv Kumar, S/o Shri Pakka Singh, Mohalla-Ganga Darwaja, Gulam Hussain, Post-Shahr Khas, Thana & Tehsil-Aliganj, Distt.-Etah(UP).
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajanpur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-863/AB/2020/52/IRDDN dated 02.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“Whether the termination of the service of Shri Shiv Kumar S/o Shri Pakka Singh, who was engaged in Roja Depot of FCI, Shahajanpur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 03.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?”

Accordingly, an industrial dispute No. 45/2020 has been registered on 22.10.2020.

On 02.12.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 03.07.2023 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit, which is evident from the orders passed (relevant) in the present case quoted as under:

“20.07.2023

Matter taken up in revised list.

Sri Dhirener Singh for FCI.

None for claimant.

Written statemnent filed, taken on record.

OP is directed to send copy of WS to claimant & file proof thereof by next date of listing.

List on 10.10.2023 for rejoinder.

(P.O.)

10.10.2023.

Matter taken up in revised list.

Parties absent.

Further time is granted for rejoinder.

List on 08.01.2024.

(P.O.)

04.04.2024

Taken up in revised list.

None for claimant, opportunity to file rejoinder is closed.

Sri Dhirender Singh for OP.

List on 04.06.2024 for ex-parte hearing. Notice to claimant.

(P.O.)”

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is

imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow

06th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2024

का.आ. 1792.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 39/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/09/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 11th September, 2024

S.O. 1792.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 39/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/09/2024**

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 39/2020

Ref. No. D-819/AB/2020/11/IRDDN dated 03.09.2020/09.09.2020

BETWEEN

1. Shri Rajiv Kumar Gupta, S/o Shri Kailashnath, Village-Ajmnjai, Zalal Nagar, Post-Shahar khas, Tehsil-Sadar, Distt.-Shahjahanpur(UP).
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajanpur (UP).

AND

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

AWARD

By order No. D-819/AB/2020/11/IRDDN dated 03.09.2020/09.09.2020 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether the termination of the service of Shri Guddu S/o Shri Rajiv Kumar Gupta S/o Shri Kailashnath, who was engaged in Roja Depot of FCI, Shahajanpur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 08.08.2008 to 23.04.2010 is proper and justified.

If not, to what relief, the workman is entitled to?"

Accordingly, an industrial dispute No. 39/2020 has been registered on 22.10.2020.

On 02.12.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 03.07.2023 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit, which is evident from the orders passed (relevant) in the present case quoted as under:

"20.07.2023

Matter taken up in revised list.

Sri Dhirener Singh for FCI.

None for claimant.

Written statement filed, taken on record.

OP is directed to send copy of WS to claimant & file proof thereof by next date of listing.

List on 10.10.2023 for rejoinder.

(P.O.)

10.10.2023.

Matter taken up in revised list.

Parties absent.

Further time is granted for rejoinder.

List on 08.01.2024.

(P.O.)

04.04.2024

Taken up in revised list.

None for claimant, opportunity to file rejoinder is closed.

Sri Dhirender Singh for OP.

List on 04.06.2024 for ex-parte hearing. Notice to claimant.

(P.O.)"

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not filed any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow

06th June, 2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1793.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 212/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/73/2004-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1793.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.212/2005) of the Central Government Industrial Tribunal-

cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and their workmen, received by the Central Government on **29/08/2024**.

[No. L-23012/73/2004-IR (CM-II)]

MANIKANDAN. N , Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 212 /2005

Registered on:- 03.08.2005

Nand Lal S/o Sh. Sairu C/o Shri Hem Prabh S/o Sh. Bali Ram, R/o Village Bhayarta, P.O. Chanahan, Teh. & Distt. Mandi (HP).
Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

....Respondents/Managements

AWARD

Passed on:- 15.07.2024

Central Government vide Notification No.L-23012/73/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Nand Lal for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?

1. The brief facts, related to the case are that the construction of Beas Sutluj Link Project{hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administering it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board (hereinafter called “BCB”). The workman was employed by BCB on 24.04.1971. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 30.03.1984 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L./B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.

2. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon’ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon’ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of

the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

3. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1971. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as ***Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440***, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

4. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

5. Parties were given opportunity to lead evidence.

6. The workman has examined himself as WW1 and filed his affidavit in evidence as Ex.WW1/A and has been cross-examined by the learned law officer of management. He also tendered document Ex. W-1 Discharge Certificate, Ex.W-2 Identity Card (not placed on file).

7. The management has filed affidavit of N.M. Jain, Sub-Divisional Officer, Sub- Division BBMB Sunder Nagar, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman.

8. While arguing the case, learned Law Officer for the management contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organisation Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organisation Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Present workman was employed as work charged employee 24.04.1971 and was retrenched on 30.03.1984. All similar work charged employees including the present workman was engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440*** has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India.

9. So far as the claim of the workman regarding re-employment after retrenchment on 30.03.1984 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

"It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the

work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected."

10. Because the present workman had not completed 10 years of service so he is not entitled for re-employment. Learned representative for the management further contended that in this case workman was retrenched on 30.03.1984 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as he has filed the present claim petition on 20.07.2005. To support this view he has placed reliance in the case titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682***, wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 27 years. He also relied upon the case titled as ***Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018***(Annexure R-4) where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the ID Act does not prescribed time limit for referring such dispute. In the present case workman was engaged as Beldar in the year 1971 and was discharged on 30.03.1984 and he has sought re-employment after 34 years which was held to be highly time barred. Thus, he contended that claim of workman is time barred. Workman was discharged on 30.03.1984 and thereafter he filed present claim before the Labour Conciliation Officer on 30.11.2005.

11. While arguing the case, learned AR for the workman contended that in this case workman was discharged on 30.03.1984 due to reduction in strength and he was issued discharge certificate by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the ID Act which provides re-employment of retrenched workman. He further has drawn the attention of the Court towards the statement of the workman. He was required to be adjust in view of under Section 25-G of the Act by the management Discharge Certificate was issued by the Management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957(hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. She also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the ID Act. Learned AR for the workman further contended that even reference made by the Government dated 07.07.2005 was challenged by the management in the Hon'ble Punjab & Haryana High Court vide Writ Petition No.3100 of 2006 and their writ petition was dismissed by the Hon'ble High Court on 07.05.2007. Even SLP filed against the order dated 07.05.2007 was upheld by the Hon'ble Supreme Court in SLP No.16979/2007 dated 08.07.2014.

12. I have given due consideration to the arguments advanced by the learned AR for the workman and also for the management.

13. The management relied upon mainly in this case on the case titled as ***Jaswant Singh and another(supra)***, which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners were employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the BhakraNangal Scheme.

14. In respect of these employees, it was held as follow:-

"To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes."

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

“41. A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.

42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.

43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the provisions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.

44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work-charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.

45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In *Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors.*, it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.

46. Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow to the work-charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work-charged employees, involving a burden of about Rs. 3 crores on the employers.

47. Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed.”

16. Thus, from the above observation of Supreme Court it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner(Central), New Delhi under Section 12 of the ID Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceeding an award was made by the CGIT Chandigarh in reference

no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse inference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as 2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another wherein it has been held "that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party". In this case also as per order dated 01.05.2024 of this Tribunal. Respondent were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of ID Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. However, despite of availing 2-3 opportunities i.e. 20.05.2024, 20.06.2024 and 09.07.2024 the said policy was not produced and as such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

"Regulation of Services of the workcharged employees.

It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.

To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be struck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I felt that it is equally the duty of an adjudicator of industrial disputes charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear in mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come

from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.

In such circumstances stated above I would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of. The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. Admittedly, in this case, no effort was made by the respondent to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

77. Maintenance of seniority list of workmen. -The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

78. Re-employment of retrenched workmen. - (1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefor, to the address given by him at the time of retrenchment or at any time thereafter:

Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:

Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:

Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]

(2) *Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*

Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.

22. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employe them. However, certainly in respect of workcharged employees present Respondent was directed by the Hon'ble Supreme Court in Judgment of Jaswant Singh (Supra) to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employe them. Thus, it does not lie in the mouth of present Respondent that no relief can be granted against present Respondent as petitioners are not their employees.

A. So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

“As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades”

Nothing has come on record that above directions were complied with.

23. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

24. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondent Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organisation Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organisation Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in Jaswant Singh case(supra) in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

25. So far this argument of Law Officer for the respondent that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2005 and thereafter, several rounds of litigations have taken place. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of Jawant Singh case (Supra).

26. However, it is added that workman was allowed terminal benefits as admitted by him. Moreover, it is also not case of the petitioner that there is breach of 0 Section 25 F of the Act.

27. Further, there was non-compliance of Jaswant Singh Case (Supra), Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employe the workman. The only remedy left is to compensate the workman in term of money.

28. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

- i. Work charged employee who has completed 5 years of service shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.
- ii. Work charged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.
- iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

The present work charged workman was employed on 24.04.1971 and was retrenched on 30.03.1984 as mentioned in Discharge Certificate (Ex.W-1) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 12 years and about 11 months (more than 5 years) so he is entitled of Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

29. The reference is answered accordingly and stands disposed off.

30. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1794.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 243/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/40/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1794.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.243/2005) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and their workmen, received by the Central Government on **29/08/2024**.

[No. L-23012/40/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No.243/2005

Registered on:- 05.08.2005

LachmanDass S/o Sh. Fullu Ram represented through legal heirs as under:

- i. Gorja Devi W/o Late Sh. LachmanDass.
- ii. Geeta Devi D/o Late Sh. LachmanDass.
- iii. Surender Pal S/o Late Sh. LachmanDass.
- iv. NandLal S/o Late Sh. LachmanDass.
- v. Tanuja Grand Daughter Late Sh. LachmanDass.
- vi. Naman Grand Son Late Sh. LachmanDass.
- vii. Sarita Daughter in Law /o Late Sh. LachmanDass.

All Residents of Vill. & P.O. Chaunahan Tehsil Balh, Distt. Mandi, H.P.

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD**Passed on:-18.07.2024**

Central Government vide Notification No.L-23012/40/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Lachman Dass for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. **At the very outset it is pertinent to mention here that Lachaman Dass expired on 12.12.2014, during the pendency of reference and his LRs were impleaded as party in his place.**
2. The brief facts, related to the case are that the construction of Beas Sutluj Link Project{hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board(hereinafter called as BCB). The workman was employed by Beas Construction Board on **18.10.1972**. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on **27.01.1978** on account of reduction in strength due to part completion of the BSL(P) **and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.**
3. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon’ble Punjab & Haryana High Court against the order of Ministry on 7.7.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon’ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.
4. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year **1978. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act.** It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as

BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to RanjitSagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

5. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

6. Parties were given opportunity to lead evidence.

7. It is added here that vide order dated 27.10.2021 the then Presiding Officer Dr. Shailendra Kumar Thakur reserved this case for order, however, perusal of file reveals that case was later on fixed again for argument and as per Sh. DhirenderKeer (P.A. on Contract Basis) reported that no dictation was given by Dr. Shailendra Kumar Thakur to him and case remain pending for argument thereafter.

8. A perusal of file reveal that both the party have not led any evidence in this case. Hence, the reference is answered against the Workman.

9. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1795.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी. एम. बी. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 145/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/50/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1795.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.145/2005) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 29/08/2024.

[No. L-23012/50/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No.145/2005

Registered on:- 27.05.2005

Dhian Singh S/o Sh. Mehlar Ram represented through his legal heirs as under:

- i. Dharmi Devi W/o Late Sh. Dhian Singh.
- ii. Bodh Raj S/o Late Sh. Dhian Singh.
- iii. Doom Ram alias Ashwani Kumar S/o Late Sh. Dhian Singh.

All residents of Vill. Kasarla & P.O. Ratti, Tehsil Balh, District Mandi, H.P.

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD**Passed on:- 18.07.2024**

Central Government vide Notification No.L-23012/50/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Dhian Singh for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. At the very outset it is pertinent to mention here that Dhian Singh expired on 07.10.2004, during the pendency of reference and his LRs were impleaded as party in his place.
2. The brief facts, related to the case are that the construction of Beas Sutluj Link Project{hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board(hereinafter called as BCB). The workman was employed by BCB on 22.02.1974. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 23.09.1977 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L./B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.
3. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon’ble Punjab & Haryana High Court against the order of Ministry on 7.7.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon’ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.
4. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1977. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas

Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to RanjitSagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

5. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

6. Parties were given opportunity to lead evidence.

7. It is added here that vide order dated 27.10.2021 the then Presiding Officer Dr. Shailendra Kumar Thakur reserved this case for order, however, perusal of file reveals that case was later on fixed again for argument and as per Sh. Dhirender Keer (P.A. on Contract Basis) reported that no dictation was given by Dr. Shailendra Kumar Thakur to him and case remain pending for argument thereafter.

8. A perusal of file reveal that both the party have not led any evidence in this case. Hence, the reference is answered against the Workman.

9. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1796.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी. एम. बी. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 257/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/22/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1796.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.257/2005) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 29/08/2024.

[No. L-23012/22/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 257 /2005

Registered on:- 10.08.2005

Bhagat Ram S/o Sh. Maghi Ram, C/o Shri Hem Prabh S/o Sh. Bali Ram, R/o Village Bhayarta, P.O. Chanahan, Teh. & Distt. Mandi (HP).

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD**Passed on:- 15.07.2024**

Central Government vide Notification No.L-23012/22/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Bhagat Ram for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. The brief facts, related to the case are that the construction of Beas Sutluj Link Project{hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administering it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board (hereinafter called “BCB”). The workman was employed by BCB on 01.07.1972. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 11.08.1978 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.

2. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon’ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon’ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

3. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1970. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and

12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismissed.

4. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

5. Parties were given opportunity to lead evidence.

6. The workman has examined himself as WW1 and filed his affidavit in evidence as Ex.WW1/A and has been cross-examined by the learned law officer of management. He also tendered document Ex. W-1 Identity Card, Ex.W-2 Discharge Certificate and Ex. W-3 Re-employment application (Re-employment Application is not placed on file).

7. The management has filed affidavit of N.M. Jain, Sub-Divisional Officer, Sub- Division BBMB Sunder Nagar, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman.

8. While arguing the case, learned Law Officer for the management contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organisation Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organisation Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Present workman was employed as work charged employee 01.07.1972 and was retrenched on 11.08.1978. All similar work charged employees including the present workman was engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440 has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India.

9. So far as the claim of the workman regarding re-employment after retrenchment on 11.08.1978 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

"It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected."

10. Because the present workman had not completed 10 years of service so he is not entitled for re-employment. Learned representative for the management further contended that in this case workman was retrenched on 11.08.1978 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as he has filed the present claim petition on 20.07.2005. To support this view he has placed reliance in the case titled as Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682, wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 27 years. He also relied upon the case titled as Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018 (Annexure R-4) where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the ID Act does not prescribed time limit for referring such dispute. In the present case workman was engaged as Beldar in the year 1972 and was discharged on 11.08.1978 and he has sought re-employment after 33 years which was held to be highly time

barred. Thus, he contended that claim of workman is time barred. Workman was discharged on 11.08.1978 and thereafter he filed present claim before the Labour Conciliation Officer.

11. While arguing the case, learned AR for the workman contended that in this case workman was discharged on 11.08.1978 due to reduction in strength and he was issued discharge certificate by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the ID Act which provides re-employment of retrenched workman. He further has drawn the attention of the Court towards the statement of the workman. He was required to be adjust in view of under Section 25-G of the Act by the management Discharge Certificate was issued by the Management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957(hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. She also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the ID Act. Learned AR for the workman further contended that even reference made by the Government dated 07.07.2005 was challenged by the management in the Hon'ble Punjab & Haryana High Court vide Writ Petition No.3100 of 2006 and their writ petition was dismissed by the Hon'ble High Court on 07.05.2007. Even SLP filed against the order dated 07.05.2007 was upheld by the Hon'ble Supreme Court in SLP No.16979/2007 dated 08.07.2014.

12. I have given due consideration to the arguments advanced by the learned AR for the workman and also for the management.

13. The management relied upon mainly in this case on the case titled as Jaswant Singh and another(supra), which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners were employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the BhakraNangal Scheme.

14. In respect of these employees, it was held as follow:-

"To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and theDeputationists belong to two different and distinct classes."

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

"41. A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.

42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.

43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the pro- visions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment⁹ and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.

44. *The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work- charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.*

45. *There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. JatinChakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.*

46. *Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.*

47. *Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed."*

16. Thus, from the above observation of Supreme Court it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner(Central), New Delhi under Section 12 of the ID Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceeding an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse inference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as 2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another wherein it has been held "that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party". In this case also as per order dated 01.05.2024 of this Tribunal. Respondent were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of ID Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. However,

despite of availing 2-3 opportunities i.e. 20.05.2024, 20.06.2024 and 09.07.2024 the said policy was not produced and as such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

“Regulation of Services of the workcharged employees.

It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.

To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be struck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I felt that it is equally the duty of an adjudicator of industrial disputes charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear in mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.

In such circumstances stated above I would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of. The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put

in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. Admittedly, in this case, no effort was made by the respondent to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

77. Maintenance of seniority list of workmen. -*The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.*

78. Re-employment of retrenched workmen. - (1) *At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefor, to the address given by him at the time of retrenchment or at any time thereafter:*

Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:

Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:

Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]

(2) *Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*

Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.

22. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employe them. However, certainly in respect of workcharged employees present Respondent was directed by the Hon'ble Supreme Court in Judgment of Jaswant Singh (Supra) to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employe them. Thus, it does not lie in the mouth of present Respondent that no relief can be granted against present Respondent as petitioners are not their employees.

A. So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover,

no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

“As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades”

Nothing has come on record that above directions were complied with.

23. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

24. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondent Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organisation Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organisation Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in Jaswant Singh case(supra) in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

25. So far this argument of Law Officer for the respondent that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2005 and thereafter, several rounds of litigations have taken place. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of Jawant Singh case (Supra).

26. However, it is added that workman was allowed terminal benefits as admitted by him. Moreover, it is also not case of the petitioner that there is breach of Section 25 F of the Act.

27. Further, there was non-compliance of Jaswant Singh Case (Supra), Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employe the workman. The only remedy left is to compensate the workman in term of money.

28. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

- i. Work charged employee who has completed 5 years of service shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.
- ii. Work charged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.
- iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

The present work charged workman was employed on 01.07.1972 and was retrenched on 11.08.1978 as mentioned in Discharge Certificate (Ex.W-2) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 5 years and about 9 months (more than 5 years) so he is entitled of Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

29. The reference is answered accordingly and stands disposed off.

30. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1797.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 152/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/53/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1797.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.152/2005) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 29/08/2024.

[No. L-23012/53/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.****Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 152 /2005

Registered on:- 25.07.2005

Churu Ram S/o Sh. Bahadur, C/o Shri Hem Prabh S/o Sh. Bali Ram, R/o Village Bhayarta, P.O. Chanahan, Teh. & Distt. Mandi (HP).

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD**Passed on:- 15.07.2024**

Central Government vide Notification No.L-23012/53/2004-IR(CM-II), Dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Churu Ram for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board (hereinafter called “BCB”). The workman was employed by BCB on 04.05.1971. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 30.03.1984 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of

the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.

2. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon’ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon’ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

3. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1984. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon’ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

4. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

5. Parties were given opportunity to lead evidence.

6. The workman has examined himself as WW1 and filed his affidavit in evidence as Ex.WW1/A and has been cross-examined by the learned law officer of management. He has placed on record Discharge Certificate and Identity Card.

7. The management has filed affidavit of N.M. Jain, Sub-Divisional Officer, Sub- Division BBMB Sunder Nagar, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman.

8. While arguing the case, learned Law Officer for the management contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organisation Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organisation Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Present workman was employed as work charged employee 04.05.1971 and was retrenched on 30.03.1984. All similar work charged employees including the present workman was engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be

termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440 has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India.

9. So far as the claim of the workman regarding re-employment after retrenchment on 30.03.1984 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

“It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years’ continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected.”

10. Because the present workman had not completed 10 years of service so he is not entitled for re-employment. Learned representative for the management further contended that in this case workman was retrenched on 30.03.1984 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as he has filed the present claim petition on 20.07.2005. To support this view he has placed reliance in the case titled as Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682, wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 27 years. He also relied upon the case titled as Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018 (Annexure R-4) where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the ID Act does not prescribed time limit for referring such dispute. In the present case workman was engaged as Beldar in the year 1971 and was discharged on 30.03.1984 and he has sought re-employment after 34 years which was held to be highly time barred. Thus, he contended that claim of workman is time barred. Workman was discharged on 30.03.1984 and thereafter he filed present claim before the Labour Conciliation Officer on 30.11.2005.

11. While arguing the case, learned AR for the workman contended that in this case workman was discharged on 30.03.1984 due to reduction in strength and he was issued discharge certificate by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the ID Act which provides re-employment of retrenched workman. He further has drawn the attention of the Court towards the statement of the workman. He was required to be adjust in view of under Section 25-G of the Act by the management Discharge Certificate was issued by the Management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957 (hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. She also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the ID Act. Learned AR for the workman further contended that even reference made by the Government dated 07.07.2005 was challenged by the management in the Hon'ble Punjab & Haryana High Court vide Writ Petition No.3100 of 2006 and their writ petition was dismissed by the Hon'ble High Court on 07.05.2007. Even SLP filed against the order dated 07.05.2007 was upheld by the Hon'ble Supreme Court in SLP No.16979/2007 dated 08.07.2014.

12. I have given due consideration to the arguments advanced by the learned AR for the workman and also for the management.

13. The management relied upon mainly in this case on the case titled as Jaswant Singh and another(supra), which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners were employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the BhakraNangal Scheme.

14. In respect of these employees, it was held as follow:-

“To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes.”

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

“41. A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.

42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.

43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the provisions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment⁹ and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.

44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work- charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.

45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. JatinChakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.

46. Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.

47. Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P.

No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed.”

16. Thus, from the above observation of Supreme Court it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner(Central), New Delhi under Section 12 of the ID Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceeding an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse inference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as ***2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another*** wherein it has been held “that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party”. In this case also as per order dated 01.05.2024 of this Tribunal. Respondent were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of ID Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. However, despite of availing 2-3 opportunities i.e. 20.05.2024, 20.06.2024 and 09.07.2024 the said policy was not produced and as such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

“Regulation of Services of the workcharged employees.

It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.

To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be stuck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all

institutions of national life. I felt that it is equally the duty of an adjudicator of industrial disputes charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear in mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well as the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.

In such circumstances stated above I would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of. The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is worked out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charged employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. Admittedly, in this case, no effort was made by the respondent to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

77. Maintenance of seniority list of workmen. -The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

78. Re-employment of retrenched workmen. - (1) *At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefor, to the address given by him at the time of retrenchment or at any time thereafter:*

Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:

Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:

Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]

(2) *Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*

Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.

22. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employe them. However, certainly in respect of workcharged employees present Respondent was directed by the Hon'ble Supreme Court in Judgment of Jaswant Singh (Supra) to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employe them. Thus, it does not lie in the mouth of present Respondent that no relief can be granted against present Respondent as petitioners are not their employees.

B. So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

“As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades”

Nothing has come on record that above directions were complied with.

23. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

24. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondent Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organisation Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organisation Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in Jaswant Singh case(supra) in respect

of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

25. So far this argument of Law Officer for the respondent that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2005 and thereafter, several rounds of litigations have taken place. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of Jawant Singh case (Supra).

26. However, it is added that workman was allowed terminal benefits as admitted by him. Moreover, it is also not case of the petitioner that there is breach of Section 25 F of the Act.

27. Further, there was non-compliance of Jaswant Singh Case (Supra), Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employ the workman. The only remedy left is to compensate the workman in term of money.

28. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

- i. Work charged employee who has completed 5 years of service shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.
- ii. Work charged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.
- iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

The present work charged workman was employed on 04.05.1971 and was retrenched on 30.03.1984 as mentioned in Discharge Certificate which is placed on file issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 12 years and about 10 months (more than 5 years) so he is entitled of Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

29. The reference is answered accordingly and stands disposed off.

30. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1798.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 253/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/24/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1798.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.253/2005) of the **Central Government Industrial Tribunal-cum-Labour Court No 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and their workmen, received by the Central Government on **29/08/2024**.

[No. L-23012/24/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 253 /2005

Registered on:- 10.08.2005

Kali Dass S/o Shri Safi Ram, C/o Shri Hem Prabh S/o Sh. Bali Ram, R/o Village Bhayarta, P.O. Chanahan, Teh. & Distt. Mandi (HP).

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD

Passed on:- 18.07.2024

Central Government vide Notification No.L-23012/24/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Kali Dass for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. The brief facts, related to the case are that the construction of Beas Sutluj Link Project{hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board (hereinafter called as BCB). The workman was employed by BCB on 25.11.1975. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 27.09.1978 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L./B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.

2. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon’ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon’ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

3. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1978. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in

relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

4. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

5. Parties were given opportunity to lead evidence.

6. On 19.12.2019 the case was fixed for evidence of the workman, however, workman has not appeared before the Court and on that day vide order dated 19.12.2019 evidence of workman was closed by the then Sh. A.K. Singh, Presiding Officer, CGIT-cum-Labour Court-II, Chandigarh and the case was fixed for 06.03.2020 for evidence of Management.

7. The management has filed affidavit of Sh. N.M. Jain, Sub-Divisional Officer, Sub-Division, BBMB Sunder Nagar, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman.

8. I have heard the Ld. ARs of the parties.

9. There is no dispute about preposition of law that onus to prove that claimant was in the employment of Management is always on the Workman/ claimant and it is for the Workman to adduce evidence to prove factum of his employment with the Management.

10. Since in this case workman has not appeared to prove his case that he worked from 25.11.1975 to 27.09.1978 so evidence led by the management has also lost its significance. There is nothing in the statement of N.M. Jain MW1 which support the case of workman. Further from the statement of this witness, it cannot be gathered that workman worked from 25.11.1975 to 27.09.1978. Thus, in the absence of any evidence the claim petition is dismissed and reference is decided accordingly against the workman.

11. The reference is answered accordingly and stands disposed of.

12. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1799.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में,केन्द्रीय सरकार बी बी. एम. बी. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण-सह- श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 224/2005)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **29/08/2024** को प्राप्त हुआ था।

[सं. एल-23012/71/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1799.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No.224/2005**) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and their workmen, received by the Central Government on **29/08/2024**.

[No. L-23012/71/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 224 /2005

Registered on:- 03.08.2005

Sukh Ram S/o Shri Bhuria, C/o Shri Hem Prabh S/o Sh. Bali Ram, R/o Village Bhayarta, P.O. Chanahan, Teh. & Distt. Mandi (HP).

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Mart, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD

Passed on: 11.07.2024

Central Government vide Notification No.L-23012/71 /2004-IR(CM-II), Dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Sukh Ram for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board(hereinafter called as BCB), which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) BCB was replaced by Beas Construction Board. The workman was employed by BCB on 01.03.1965. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 30.01.1978 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L(P)(BBMB) in accordance with provision of I.D. Act, 1947. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.

2. It is prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

3. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1978. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities.

Thus, the workman never remained the employee of management.

4. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

5. Parties were given opportunity to lead evidence. During the pendency of the case the AR of Workman stated that they are not in contact with the Workman since long time. On 27.10.2021 following order was passed by Dr.

Shailendra Kumar Thakur, Presiding Officer, CGIT-II, Chandigarh and the case was withdrawn by the Counsel for Workman Smt. Suchitra Thakur, order is reproduced below:

ID No.224/2005

Sukh Ram Vs. The Chairman, Bhakra Beas Management Board

Camp Court at Sunder Nagar

27.10.2021

Present: Smt. Suchitra Thakur, Ld. Counsel for Workman

Sh. Ravinder Rana, Senior Law Officer alongwith Sh. Sandeep Sharma, Law Officer.

The Ld. Counsel of the Workman submitted that the concerned workman has not been in contact and have not shown any interest for pursuing the case and so she is withdrawing the claim in respect of the concerned-workman Sh. Sukh Ram.

The management-side reported no objection on withdraw of the claim of the concerned-workman Sh. Sukh Ram as submitted and reported by the learned counsel of the concerned-workman.

In the light of the withdrawal prayer made by the Ld. Counsel of the concerned-Workman, the reference ID No.234/2005 titled as Sh. Sukh Ram Vs. The Chairman, Bhakra Beas Management Board is allowed to be withdrawn. The proceeding is closed and the reserved for award.

(Dr. Shailendra Thakur)

Presiding Officer,

Central Government Industrial

Tribunal-cum-Labour Court-II,

Chandigarh

6. The case was reserved for award however, no award was passed and on 16.03.2022 again Sh. Shailendra Thakur the then Presiding Officer passed order for argument and case remained pending till today despite of the fact that case was allowed to be withdrawn by the then Presiding Officer Sh. Shailendra Thakur and case was reserved for award. As per report of Judgment writer no award was got dictated by the then Presiding Officer Sh. Shailendra Thakur.

7. I have heard Suchitra Thakur Ld. Counsel for the Workman and Sh. Ravinder Rana Senior Law Officer for the Management, since there is no evidence of the workman and as per counsel for the Workman, workman is not interested in pursuing the case. Hence, No Claim Award is passed in the present case. File after completion be consigned to the record room.

8. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1800.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 150/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/78/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1800.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.150/2005) of the Central Government Industrial Tribunal-

cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and their workmen, received by the Central Government on **29/08/2024**

[No. L-23012/78/2004— IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 150 /2005

Registered on:- 25.07.2005

Chet Ram S/o Sh. Dharamu workman represented through his legal heirs as under:

- i. Banti Devi D/o Late Sh. Chet Ram
- ii. Baldev S/o Late Sh. Chet Ram
- iii. Parshram S/o Late Sh. Chet Ram
- iv. Brikam S/o Late Sh. Chet Ram
- v. Ghalo Devi W/o Late Sh. Chet Ram

All residents of Vill. Karehdi, P.O. Bhangrotu, Tehsil. Balh, Distt. Mandi H.P.

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD

Passed on:- 19.07.2024

Central Government vide Notification No.L-23012/78/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Chet Ram for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. At the very outset it is pertinent to mention here that Chet Ram expired on 15.03.2008 during the pendency of reference and his LRs were impleaded as party in his place.
2. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board(hereinafter called as BCB). The workman was employed by BCB on 08.10.1970. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 30.03.1984 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.
3. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted

that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon'ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon'ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits

4. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1984. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

5. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

6. Parties were given opportunity to lead evidence.

7. The workman has expired on 15.03.2008 as per death certificate Mark A and as per family register Mark B, copy of which has been placed on file. However, affidavit of workman Ex.WW1/A and discharge certificate Ex.W1 and identity card Ex.W2 have been placed on file after the death of workman on 17.06.2018. This shows that great negligence on the part of the officials working in this Court and these documents i.e. affidavit Ex.WW1/A and discharge certificate Ex.W1 and identity card Ex.W2 cannot be at all considered because workman has already expired on 15.03.2008. No evidence has been given by the LR of the workman in this case.

8. Moreover, no evidence has been given by the management in this case. Vide order dated 03.03.2021 the then Presiding Officer, A.K. Singh fixed the case for filing written arguments and the case remained pending for arguments. Even no evidence has been led by the management in this case. It is a case of no evidence, both the parties have failed to produce any evidence in support of their case, hence, in the absence of any evidence no relief can be granted to the Legal Heirs of deceased Chet Ram. Hence, the reference is answered against the Workman.

9. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1801.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण-सह- श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 222/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/37/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1801.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.222/2005) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and their workmen, received by the Central Government on **29/08/2024**.

[No. L-23012/37/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 222 /2005

Registered on:- 03.08.2005

Jalam Ram S/o Sh. Luhar since deceased represented through his legal representatives as under:

- i. Tek Chand S/o Late Sh. Jalam Ram.
- ii. Prakash S/o Late Sh. Jalam Ram.
- iii. Nandi Devi W/o Late Sh. Jalam Ram.

All residents of Syanji Kothi, P.O. Jaidevi, Tehsil Sunder Nagar, District Mandi.

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Mart, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD

Passed on:- 19.07.2024

Central Government vide Notification No.L-23012/37/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Jalam Ram for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?

1. At the very outset it is pertinent to mention here that expired on 07.10.2015, during the pendency of reference and his LR's were impleaded as party in his place.
2. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board (hereinafter called as BCB). The workman was employed by BCB on 07.08.1978. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer

made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 30.04.1984 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L./B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.

3. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon’ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon’ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

4. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1984. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon’ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

5. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

6. Parties were given opportunity to lead evidence.

7. Nandi Devi W/o Late Sh. Jalam Ram (Workman since deceased) was impleaded as LR of Sh. Jalam Ram.

8. No affidavit has been filed by the Legal Heirs of Jalam Ram in this case, despite of availing many opportunities and even Management has also not filed any evidence in this case and case was fixed for argument by the Ld. Predecessor on 03.03.2021 by the then Presiding Officer Sh. A.K. Singh. It is a case of no evidence, both the parties have failed to produce any evidence in support of this case, hence, in the absence of any evidence no relief can be granted to the Legal Heirs of deceased Jalam Ram. Hence, the reference is answered against the Workman.

9. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1802.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 143/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/47/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1802.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.143/2005) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 29/08/2024.

[No. L-23012/47/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.****Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 143 /2005

Registered on:- 25.07.2005

Het Ram S/o not mentioned represented through his legal heirs as under:

- i. Vimla Devi W/o Late Sh. Het Ram.
- ii. Kamlesh Kumar S/o Late Sh. Het Ram.
- iii. Nitesh Kumar S/o Late Sh. Het Ram.
- iv. Santosh Kumari D/o Late Sh. Het Ram.
- v. Asha Kumari D/o Late Sh. Het Ram.

All residents of Vill. & P.O. Troh, Tehsil Balh, Distt. Mandi, H.P.

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD**Passed on:- 19.07.2024**

Central Government vide Notification No.L-23012/47/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Kamlesh Kumar S/o Het Ram for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?

1. At the very outset it is pertinent to mention here that aforesaid reference has been received as Kamlesh Kumar S/o Het Ram, actually from the perusal of record it reveals that Het Ram was working with Beas Construction Board whereas inadvertently in the aforesaid reference Kamlesh Kumar has been shown to

be have worked with the BBMB. Further all the documents have been produced are of Het Ram which include claim petition and Death Certificate of Het Ram. The said Het Ram expired on 12.02.2001 during the pendency of the reference and his legal heirs were impleaded as parties in his place which includes Kamlesh Kumar as son of Het Ram. Thus, it is apparent that in the reference name of Kamlesh Kumar has inadvertently mentioned in place of Het Ram.

2. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board (hereinafter called as BCB). No date has been given when workman was employed by BCB. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 1984 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts. It is pointed that claim petition has been signed by Sant Ram and Shyam Lal whereas present claim petition is of Het Ram S/o Kamlesh Kumar.

3. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon’ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon’ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

4. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1984. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon’ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

5. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.
6. Parties were given opportunity to lead evidence.
7. It is added here that vide order dated 27.10.2021 the then Presiding Officer Dr. Shailendra Kumar Thakur reserved this case for order, however, perusal of file reveals that case was later on fixed again for argument and as per Sh. Dhirender Keer (P.A. on Contract Basis) reported that no dictation was given by Dr. Shailendra Kumar Thakur to him and case remain pending for argument thereafter.
8. A perusal of file reveal that both the parties have not led any evidence in this case. Moreover, claim petition has been signed by Sant Ram and Shyam Lal and it was not signed by Het Ram. Hence, the reference is answered against the Workman.
9. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1803.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी. एम. बी. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह - श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 221/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/75/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1803.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.221/2005) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and their workmen, received by the Central Government on **29/08/2024**.

[No. L-23012/75/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 221 /2005

Registered on:- 03.08.2005

Jiwan Ram S/o Sh. Bengali Ram Workman represented through his LR's as under:

- i. Des Raj S/o Late Sh. Jiwan Ram
- ii. Hans Raj S/o Late Sh. Jiwan Ram
- iii. Shakuntla Devi D/o Late Sh. Jiwan Ram
- iv. Gilmu Devi W/o Late Sh. Jiwan Ram

All residents of Vill. Nichali Behli, P.O. Upper Behli, Tehsil Sunder Nagar, Distt. Mandi, H.P.

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD**Passed on:- 19.07.2024**

Central Government vide Notification No.L-23012/75/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Jiwan Ram for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. At the very outset it is pertinent to mention here that Jiwan Ram expired on 04.06.2016, during the pendency of reference and his LR's were impleaded as party in his place on 25.10.2023.
2. The brief facts, related to the case are that the construction of Beas Sutluj Link Project{hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administering it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board(hereinafter called as BCB). The workman was employed by BCB on 24.11.1967. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 30.03.1984 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.
3. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon'ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon'ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon'ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.
4. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1984. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as

Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismissed.

5. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

6. Parties were given opportunity to lead evidence.

7. No affidavit has been filed by the Legal Heirs of Jiwan Ram in this case, despite of availing many opportunities and even Management has also not filed any evidence in this case and case was fixed for argument by the Ld. Predecessor on 03.03.2021 by the then Presiding Officer Sh. A.K. Singh. It is a case of no evidence, both the parties have failed to produce any evidence in support of their case, hence, in the absence of any evidence no relief can be granted to the Legal Heirs of deceased Jiwan Ram. Hence, the reference is answered against the Workman.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1804.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 238/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/66/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1804.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.238/2005) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 29/08/2024.

[No. L-23012/66/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 238 /2005

Registered on:- 05.08.2005

Muni Lal S/o Sh. Bhoge C/o Shri Hem Prabh S/o Sh. Bali Ram, R/o Village Bhayarta, P.O. Chanahan, Teh. & Distt. Mandi (HP).

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD**Passed on:- 19.07.2024**

Central Government vide Notification No.L-23012/66/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Muni Lal for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board (hereinafter called as BCB). The workman was employed by BCB on 16.11.1971. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 29.11.1978 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.

2. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon’ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon’ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

3. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1978. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon’ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and

it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

4. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

5. Parties were given opportunity to lead evidence.

6. On 19.12.2019 the case was fixed for evidence of the workman, however, workman has not appeared before the Court and on that day vide order dated 19.12.2019 evidence of workman was closed by the then Sh. A.K. Singh, Presiding Officer, CGIT-cum-Labour Court-II, Chandigarh and the case was fixed for 06.03.2020 for evidence of Management.

7. The management has filed affidavit of Sh. N.M. Jain, Sub-Divisional Officer, Sub-Division, BBMB Sunder Nagar, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman.

8. I have heard the Ld. ARs of the parties.

9. There is no dispute about preposition of law that onus to prove that claimant was in the employment of Management is always on the Workman/ claimant and it is for the Workman to adduce evidence to prove factum of his employment with the Management.

10. Since in this case workman has not appeared to prove his case that he worked from 16.11.1971 to 29.11.1978 so evidence led by the management has also lost its significance. There is nothing in the statement of N.M. Jain MW1 which support the case of workman. Further from the statement of this witness, it cannot be gathered that workman worked from 16.11.1971 to 29.11.1978. Thus, in the absence of any evidence the claim petition is dismissed and reference is decided accordingly against the workman.

11. The reference is answered accordingly and stands disposed of.

12. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1805.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 249/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/21/2004-आई. आर. (सी.एम.-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1805.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.249/2005) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and their workmen, received by the Central Government on **29/08/2024**.

[No. L-23012/21/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 249 /2005

Registered on:- 09.08.2005

Ram Singh, S/o Shri Sobha deceased workman being represented through his following legal heirs:

- i. Smt. Teji Devi W/o Late Sh. Ram Singh
- ii. Hukam Chand S/o Late Sh. Ram Singh

iii. Dhola Ram S/o Late Sh. Ram Singh

iv. Rita Devi D/o Late Sh. Ram Singh.

All residents of Village Tharki P.O. Surah, Tehsil & Distt. Balh, Distt. Mandi, H.P.

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.

2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD

Passed on:- 19.07.2024

Central Government vide Notification No.L-23012/21/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Ram Singh for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. At the very outset it is pertinent to mention here that Ram Singh expired on 27.01.2022 during the pendency of reference and his Legal Heirs were impleaded as party in his place.

2. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board(hereinafter called as BCB). The workman was employed by BCB on 07.04.1972. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 13.11.1978 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.

3. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon’ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon’ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

4. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1977. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also

maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

5. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

6. Parties were given opportunity to lead evidence.

7. On 19.12.2019 the case was fixed for evidence of the workman, however, workman has not appeared before the Court and on that day vide order dated 19.12.2019 evidence of workman was closed by the then Sh. A.K. Singh, Presiding Officer, CGIT-cum-Labour Court-II, Chandigarh and the case was fixed for 06.03.2020 for evidence of Management.

8. Moreover, no evidence has been given by the management in this case. Vide order dated 03.03.2021 the then Presiding Officer, A.K. Singh fixed the case for filing written arguments and the case remained pending for arguments. Even no evidence has been led by the management in this case.

9. It is a case of no evidence, both the parties have failed to produce any evidence in support of their case, hence, in the absence of any evidence no relief can be granted to the Legal Heirs of deceased Ram Singh. Hence, the reference is answered against the Workman.

10. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1806.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह श्रम न्यायालय नंबर II, चंडीगढ़ के पंचाट (संदर्भ संख्या 227/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/63/2004-आई. आर. (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1806.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.227/2005) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 29/08/2024

[No. L-23012/63/2004- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.****Present: Mr. Kamal Kant, Presiding Officer.**

ID No.227/2005

Registered on:-05.08.2005

Sita Ram S/o Sh. Himmat Ram workman represented through legal heirs as under:

- i. Geeta Devi W/o Late Sh. Sita Ram.
- ii. Dharam Singh S/o Late Sh. Sita Ram.
- iii. Krishan S/o Late Sh. Sita Ram.
- iv. Kehar S/o Late Sh. Sita Ram.

All Resident of Vill. Ganghal P.O. Mahadev, Tehsil Sunder Nagar, Distt Mandi, H.P.

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

Respondents/Managements

AWARD**Passed on:- 19.07.2024**

Central Government vide Notification No.L-23012/63/2004-IR(CM-II), dated 7.7.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Sh. Sita Ram for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. At the very outset it is pertinent to mention here that Sita Ram expired on 03.04.2014 during the pendency of reference and his Legal Heirs were impleaded as party in his place.

2. The brief facts, related to the case are that the construction of Beas Sutluj Link Project{hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board(hereinafter called as BCB). The workman was employed by BCB on 29.10.1969. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 30.03.1984 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.

3. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon’ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after

referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon'ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon'ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

4. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1977. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BBMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BBMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

5. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

6. Parties were given opportunity to lead evidence.

7. It is added here that vide order dated 27.10.2021 the then Presiding Officer Dr. Shailendra Kumar Thakur reserved this case for order, however, perusal of file reveals that case was later on fixed again for argument and as per Sh. Dhirender Keer (P.A. on Contract Basis) reported that no dictation was given by Dr. Shailendra Kumar Thakur to him and case remain pending for argument thereafter.

8. A perusal of file reveals that both the parties have not led any evidence in this case. Hence, the reference is answered against the Workman.

9. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2024

का.आ. 1807.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर II, चंडीगढ़ के पंचात (संदर्भ संख्या 230/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/08/2024 को प्राप्त हुआ था।

[सं. एल-23012/7/2004-आई. आर. (सी.एम.-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 13th September, 2024

S.O. 1807.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.230/2005) of the Central Government Industrial Tribunal-

cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and their workmen, received by the Central Government on **29/08/2024**.

[No. L-23012/7/2004– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 230 /2005

Registered on:- 05.08.2005

Gangu Ram S/o Sh. Bholu Ram workmen represented through his legal heirs as under:

- i. Hokum Devi W/o Late Sh. Gangu Ram.
- ii. Vicky S/o Late Sh. Gangu Ram.
- iii. Ashu Kumari D/o Late Sh. Gangu Ram
- iv. Kakli Devi Mother of Late Sh. Gangu Ram

All residents of Village. Chhater P.O. Jugahan, Tehsil Sunder Nagar, Distt Mandi, H.P.

.....Workman

Versus

1. Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project Sundernagar Township, Distt. Mandi, (HP).

.....Respondents/Managements

AWARD

Passed on:- 19.07.2024

Central Government vide Notification No.L-23012/7/2004-IR(CM-II), dated 07.07.2005, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the demand of Shri Gangu Ram for reinstatement in the services of BBMB, Sunder Nagar is legal and justified? If so, to what relief the concerned workman is entitled and from which date?”

1. At the very outset it is pertinent to mention here that Gangu Ram expired on 19.12.2015 during the pendency of reference and his LRs were impleaded as party in his place on 25.10.2023.

2. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar and this project was under the control of Centre Government, who had been constructing, maintaining, operating and administrating it through various Boards in different phases. After passing of Pb. Re-Organisation Act, 1966(hereinafter called “Re-Organisation Act”) Beas Control Board was replaced by Beas Construction Board (hereinafter called as BCB). The workman was employed by BCB on 09.08.1971. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organisation Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 10.08.1979 on account of reduction in strength due to part completion of the BSL(P) and re-employment certificate was issued by the office of re-settlement B.S.L/B.B.M.B. Sundernagar for the re-employment of the retrenched workmen of B.S.L.(P)(BBMB) in accordance with provision of the Act. After the retrenchment of the workman, thousands of other persons were appointed secretly by employer, violating Section 25-G and Section 25-H of the I.D. Act, 1947. The employer is also doing unfair labour practices as defined in Section 2(R)A of the ID Act. Management has also violated the provisions of Rules 77 and 78 of Industrial Dispute(Central) Rule, 1957(hereinafter called “The Industrial Rules”). By filling vacant posts, the employer declared some posts as surplus and retrenched the employees working on those posts.

3. It is also maintained that the present workman and other workmen have filed a Civil Writ Petition No.403/1996, titled as Sant Ram and 87 others Vs. BBMB in the Hon'ble High Court of Shimla for their re-employment and in the said writ petition management filed reply dated 16.04.1996 by way of affidavit and admitted that retrenched workmen are employee of BBMB. The workmen have then withdrew the writ petition and filed civil suits for declaring them as a retrenched workmen of BBMB before the Sub-Judge, 1st Class, Sunder Nagar, Distt. Mandi(HP), on 21.01.1997 and later on those suits were decided on 05.07.2002 and all plaints were returned to the workmen to be filed before the competent authority on the basis of which the present proceedings were initiated after referring of the dispute of workman from the Ministry of Labour on 07.07.2005. Thereafter, management filed writ petition before the Hon'ble Punjab & Haryana High Court against the order of Ministry on 07.07.2005 and the same was dismissed on 07.05.2007 and Special Leave Petition filed bearing nos.16939-17007 of 2007 in Hon'ble Supreme Court of India by the management was also dismissed on 08.07.2014. It is therefore, prayed that the claim petition of the workman may kindly be allowed and workman be continued in the service of the management and be regularized and further be given all the consequential benefits.

4. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organisation Act. The workman was retrenched after completion of the work of BCB in the year 1979. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organisation of the erstwhile State of Punjab on 01.01.1966. After re-organisation the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organisation Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organisation Act. It is further stated under Section 80(5) of the Re-organisation Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organisation Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. However, it is stated that 1093 work-charged and 12 contingent paid employees of Beas Project were sent on job order basis to Ranjit Sagar Dam, Punjab. They were taken over by the management under the benevolent policy of the Central Govt. as Central Govt. had given directions to BBMB to absorb these employees. The remaining work-charged employees were not entitled for the said benefit. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

5. A replication was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

6. Parties were given opportunity to lead evidence.

7. No affidavit has been filed by Gangu Ram or Legal Heirs of Gangu Ram in this case, despite of availing many opportunities and even Management has also not filed any evidence in this case and case was fixed for argument by the Ld. Predecessor on 03.03.2021 by the then Presiding Officer Sh. A.K. Singh by observing that case is matured and pending for argument for the last one year. It is a case of no evidence, both the parties have failed to produce any evidence in support of their case, hence, in the absence of any evidence no relief can be granted to the Legal Heirs of deceased Gangu Ram. Hence, the reference is answered against the Workman.

8. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2024

का.आ. 1808.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री नट्टा प्रभाकर राव के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स नं. 124/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.09.2024 को प्राप्त हुआ था

[सं. एल-17012/45/2014-आई. आर. (एम)]

दिलीप कुमार; अवर सचिव

New Delhi, the 17th September, 2024

S.O. 1808.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 124/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri Natta Prabhakar Rao** which was received along with soft copy of the award by the Central Government on 17.09.2024.

[No. L-17012/45/2014— IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 19th day of August, 2024

INDUSTRIAL DISPUTE No. 124/2014

Between:

Sri Natta Prabhakar Rao

S/o Deniel,

Mandpudu, Gudivada,

Krishna Distt.

.....Petitioner

AND

1. The Branch Manager,
LIC of India,
Gudivada Brnach,
Gudivada, Krishna Distt.
2. The Sr. Divional Manager,
LIC of India, Divisional Office,
Kennedy Road,
Machilipatnam-521001.

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Shri Venkatesh Dixit, Advocate

A W A R D

The Government of India, Ministry of Labour by its order No.L-17012/45/2014 (IR(M)) dated 08.07.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC and their workmen. The reference is,

SCHEDULE

“Whether the removal from service of Sri N. Prabhakar Rao, Ex-Temp. Class-IV, LIC of India, Gudivada Branch w.e.f. 24.1.2013, is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 124/2014 and notices were issued to the parties concerned.

2. Petitioner absent. Perused the record notice through registered post sent to the petitioner twice but petitioner did not appear and filed any claim statement in response to the notice. It's seems petitioner don't want to prosecute his case. Therefore, in the absence of claim statement 'No-Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 19th day of August, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 सितम्बर, 2024

का.आ. 1809.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल इन्सुरेंस कंपनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और श्री बी. के. राजदेओ के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुंबई, पंचाट (रिफरेंस न. 24/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.09.2024 को प्राप्त हुआ था।

[सं. एल-17012/48/2013-आई. आर. (एम)]

दिलीप कुमार; अवर सचिव

New Delhi, the 17th September, 2024

S.O. 1809.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 24/2014) of the **Central Government Industrial Tribunal cum Labour Court-2, Mumbai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Oriental Insurance Company Limited and Shri B.K. Rajdeo** which was received along with soft copy of the award by the Central Government on 17.09.2024.

[No. L-17012/48/2013– IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

SHRIKANT K. DESHPANDE

Presiding Officer

REFERENCE NO. CGIT-2/24 of 2014

EMPLOYERS IN RELATION TO THE MANAGEMENT OF THE ORIENTAL INSURANCE CO. LTD.

The Regional Manager

The Oriental Insurance Co. Ltd,

Mumbai Regional Office No.1, Oriental House,

2nd floor, & J. Tata Road, Churchgate,

Mumbai- 400020.

AND

THEIR WORKMEN.

Shri. B.K. Rajdeo

Nandur Pathar, Taluka Parner,

Dist. Ahmednagar,
Maharashtra.

APPEARANCES:

Party No. 1 : Mr. Manoj M. Gujar
Advocate

Party No. 2 : Mr. A. M. Koyande
Advocate

AWARD

(Delivered on 08-08-2024)

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-17012/48/2013 – IR (M) dated 19.02.2014. The terms of reference given in the schedule are as follows:

‘Whether the action of the management of the Oriental Insurance Co. Ltd., Mumbai Regional Office No. 1, Mumbai in terminating the services of Sh. B. K. Rajdeo, sub-staff by way of ‘Removal from service which shall not be disqualification for future employment ‘vide Order dt. 22.01.2009 is legal, proper and justified and in proportion to the alleged misconduct. If not, then what relief Sh. B. K. Rajdeo is entitled to and from which date and what other directions are necessary in the matter?’

2. During proceeding the Counsel for the First Party submitted a pursis Ex-38 informing to the Court that, the Second Party is expired therefore the present Reference cannot be proceed further, the Counsel for the First Party also requested to pass appropriate orders.

In view of this, the Reference is disposed off as abetted. The Second Party is not entitled for any relief. No order as to costs.

ORDER

- i. The Reference is answered in negative.
- ii. The Second Party No. 2 is not entitled for any relief as claimed.
- iii. No order as to costs.
- iv. The award be sent to the Government.

Date: 08-08-2024

SHRIKANT K. DESHPANDE, Presiding Officer

नई दिल्ली, 17 सितम्बर, 2024

का.आ. 1810.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और श्री जे. महेश्वर राव के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न. 53/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.09.2024 को प्राप्त हुआ था।

[सं. एल-17012/37/2013-आई. आर. (एम)]

दिलीप कुमार; अवर सचिव

New Delhi, the 17th September, 2024

S.O. 1810.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 53/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in

relation to **LIC of India** and **Shri J. Maheswara Rao** which was received along with soft copy of the award by the Central Government on 17.09.2024.

[No. L-17012/37/2013– IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 19th day of August, 2024

INDUSTRIAL DISPUTE No. 53/2014

Between:

Shri. J. Maheswara Rao

S/o Nageswara Rao,

Umma Reddy Sarojini Colony,

Bapatla, Guntur.

.....Petitioner

AND

1. The Sr. Divisional Manager
LIC of India, Divisional Office,
Kenndy Road,
Machilipatnam.
2. The Divional Manager,
LIC of India,
Bapatla Branch,
Guntur Dist.

Respondents

Appearances:

For the Petitioner : None

For the Respondent: Shri Venkatesh Dixit, Advocate

A W A R D

The Government of India, Ministry of Labour by its order No.L-17012/37/2013 (IR(M)) dated 04.03.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC and their workmen. The reference is,

SCHEDULE

“Whether the removal from service of Shri J.Maheswara Rao, Ex-Temp. Class-IV, LIC of India, Bapatla Branch w.e.f. 1.2.2013, is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 53/2014 and notices were issued to the parties concerned.

2. Petitioner absent. Perused the record notice through registered post sent to the petitioner twice but petitioner did not appear and filed any claim statement in response to the notice. It's seems petitioner don't want to prosecute his case. Therefore, in the absence of claim statement 'No-Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 19th day of August, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 सितम्बर, 2024

का.आ. 1811.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री वी. पवनी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न. 54/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.09.2024 को प्राप्त हुआ था

[सं. एल-17012/38/2013-आई. आर. (एम)]

दिलीप कुमार; अवर सचिव

New Delhi, the 17th September, 2024

S.O. 1811.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 54/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri V. Pavani** which was received along with soft copy of the award by the Central Government on 17.09.2024.

[No. L-17012/38/2013— IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 19th day of August, 2024

INDUSTRIAL DISPUTE No. 54/2014

Between:

Shri V. Pavani

D/o V. Kondalu,

D.No. 14-5-19,

Vinjamurivarthota,

Bapatla, Guntur.

.....Petitioner

AND

1. The Sr. Divisional Manager
LIC of India, Divisional Office,

Kenndy Road,
Machilipatnam.
2. The Divisional Manager,
LIC of India,
Bapatla Branch,
Guntur Dist.

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Shri Venkatesh Dixit, Advocate

A W A R D

The Government of India, Ministry of Labour by its order No.L-17012/38/2013 (IR(M)) dated 05.03.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC and their workmen. The reference is,

SCHEDULE

“Whether the removal from service of Shri V.Pavani, Ex-Temp. Class-IV, LIC of India, Bapatla Branch w.e.f. 1.2.2013, is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 54/2014 and notices were issued to the parties concerned.

2. Petitioner absent. Perused the record notice through registered post sent to the petitioner twice but petitioner did not appear and filed any claim statement in response to the notice. It seems petitioner don't want to prosecute his case. Therefore, in the absence of claim statement 'No-Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 19th day of August, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 सितम्बर, 2024

का.आ. 1812.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री पी. शिवय्या के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.- 72/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.09.2024 को प्राप्त हुआ था

[सं. एल-17012/64/2013-आई. आर. (एम)]

दिलीप कुमार; अवर सचिव

New Delhi, the 17th September, 2024

S.O. 1812.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 72/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri P. Sivayya** which was received along with soft copy of the award by the Central Government on 17.09.2024.

[No. L-17012/64/2013– IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 19th day of August, 2024

INDUSTRIAL DISPUTE No. 72/2014

Between:

Sri P. Sivayya
S/o P.Antharedhi,
2nd Street,
Baba Temple,
Brodipeta,
Palakol-534260.

.....Petitioner

AND

1. The Branch Manager,
LIC of India,
Palakol Branch,
West Godavari Distt.-534260.
2. The Sr. Divisional Manager,
LIC of India, Divisional Office,
Rajahmundry-

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Shri Venkatesh Dixit, Advocate

A W A R D

The Government of India, Ministry of Labour by its order No.L-17012/64/2013 (IR(M)) dated 08.05.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC and their workmen. The reference is,

SCHEDULE

“Whether the removal from service of Sri P.Sivayya, Ex-Temp. Class-IV, LIC of India, Palakol Branch w.e.f. 28.1.2013, is legal and justified? If not, what relief the workman is entitled to?

The reference is numbered in this Tribunal as I.D. No. 72/2014 and notices were issued to the parties concerned.

2. Petitioner absent. Perused the record notice through registered post sent to the petitioner twice but petitioner did not appear and filed any claim statement in response to the notice. It's seems petitioner don't want to prosecute his case. Therefore, in the absence of claim statement 'No-Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 19th day of August, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 सितम्बर, 2024

का.आ. 1813.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री एस. नवीन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.- 73/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.09.2024 को प्राप्त हुआ था

[सं. एल-17012/1/2014-आई. आर. (एम)]

दिलीप कुमार; अवर सचिव

New Delhi, the 17th September, 2024

S.O. 1813.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 73/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri S. Naveen** which was received along with soft copy of the award by the Central Government on 17.09.2024.

[No. L-17012/1/2014— IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 19th day of August, 2024

INDUSTRIAL DISPUTE No. 73/2014

Between:

Sri S. Naveen
H.No. 1-6-348,
Bhagya Nagar (M),
Metpally, Karimnagar Dist.
Karimnagar-505331.

.....Petitioner

AND

1. The Branch Manager,
LIC of India,
Metpally Branch, Metpally,
Karimnagar dist.
2. The Sr. Divisional Manager
LIC of India, Divisional Office,
Karimnagar.
3. The Zonal Manager,
LIC of India, Zonal office,
Opp. Secretariat, Saifabad,
Hyderabad-500004.

... Respondents

Appearances:

For the Petitioner : None

For the Respondent: Shri Venkatesh Dixit, Advocate

A W A R D

The Government of India, Ministry of Labour by its order No.L-17012/1/2014 (IR(M)) dated 09.05.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of the Life Insurance Corporation of India, Zonal Office, Hyderabad/Divisional Office, Karimnagar and Branch Office, Metpally, Karimnagar Dist., in terminating the services after crossing 240 days continuous service of Sri S. Naveen, Ex. Temp. substaff of LIC of India, Metpally Br. Is justified or not? If not, to what relief the applicant is entitled for?”

The reference is numbered in this Tribunal as I.D. No. 73/2014 and notices were issued to the parties concerned.

2. Petitioner absent. Perused the record notice through registered post sent to the petitioner twice but petitioner did not appear and filed any claim statement in response to the notice. It's seems petitioner don't want to prosecute his case. Therefore, in the absence of claim statement 'No-Claim' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected by me on this the 19th day of August, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

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NIL